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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 4th August 2006

No. 7196-LL (i) III -70/05/L.E.—Whereas consequent upon the amendment made to the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) by the Ministry of Labour, Government of India in their Gazette notification dated 10th December 2003 on item 1, there is necessity of making necessary amendment to the Orissa Industrial Employment (Standing Orders) Rules, 1946 in the light of the amendment so made to the said Act ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 15 of the said Act, the State Government proposes to make the following draft of certain rules further to amend the Orissa Industrial Employment (Standing Order) Rules, 1946 and the same is hereby published for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of a period of 45 days from the date of publication of this notification in the *Orissa Gazette*.

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1. (1) These rules may be called the Orissa Industrial Establishment (Standing Orders) Amendment Rules, 2006.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Industrial Establishment (Standing Orders) Rules, 1946 (hereinafter referred to as the said rules), in rule 5, after item 4, the following item shall be inserted, namely:—

“(4A) Number of fixed term employment workmen;”

3. In the said rules, in schedule I, -

(a) In Paragraph 2, -

(i) In sub-paragraph (a), after item (3), the following item and the respective entry against it, shall be inserted, namely:—

“(3A) fixed term employment”, and

(ii) after sub-paragraph (g), the following sub-paragraph shall be inserted, namely:—

“(h) A fixed term employment” workman is a workman who has been engaged on the basis of contract of employment for a fixed period. However, his working hours, wages, allowances and other benefits shall not be less than that of a permanent workman. He shall also be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute.”; and

(b) in paragraph 13, for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:—

“(2) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947), no temporary workman whether monthly rated or weekly rated or piece rated, and no probationer or badli or fixed term employment workman as a result of non-renewal of contract of employment or on its expiry, shall be entitled to any notice or pay in lieu thereof, if his services are terminated but the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manners prescribed in paragraph 14”.

By Order of the Governor

B. MISHRA

Commissioner-*cum*-Secretary to Government